REMARKS

Claims 1 and 13 have been amended. Claims 1 to 5 and 13 to 17 remain active in this application.

As previously stated, the issue of double patenting relative to the pending application will be resolved in due course by non-action in the cited copending application. There is otherwise no issue since this application in its present form will not extend the monopoly of Patent No. 6,665,277 unless an appeal and/or interference is instituted, in which case a terminal disclaimer will be filed..

As previously stated, with reference to In re Karlson, 136 USPQ 184 (1963), this decision is inapplicable since the law was changed subsequent to that decision and the enforceability of the subject application will expire concurrently with the cited patent. Accordingly, there can be no extension of monopoly unless the period in this application should be extended, which is presently not the case. The examiner has failed to comment on this issue and the rebuttal of the examiner's position previously presented as to this issue. A response is respectfully requested so that an appropriate action can be taken by applicant.

Claims 1 to 4 and 13 to 16 were rejected under 35 U.S.C. 102(e) as being anticipated by Nystrom et al. (U.S. 6,185,244). The rejection is respectfully traversed.

Though it is believed that the claims as previously presented define patentably over Nystrom et al., because Nystrom et al. fails to teach a tertiary synchronization code, the claims have been amended to require that the three synchronization codes be independently generated. No such feature is taught or even suggested by Nystrom et al.

As stated in the subject application, "A tertiary synchronization code (TSC) 512 is transmitted on a tertiary synchronization channel during the first symbol time of the time slot. Transmission of this tertiary synchronization code is accomplished via a circuit as in FIG. 1 having an additional multiplier circuit similar to circuit 104. This additional multiplier circuit receives the pseudo-noise (PN) code on lead 109 and a selected tertiary synchronization code and produces a modulated tertiary synchronization code." (page 6, line 25ff). On the other hand, as stated at column 12, lines 8ff of Nystrom et al., the LC1 of Nystrom et al., even were it to be a synchronization code (which is challenged), is not independently derived, but rather is derived from the other synchronization codes.

In addition, the arguments previously presented are repeated and incorporated herein by reference.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

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